

REMARKS/ARGUMENTS

1. The Applicant has carefully considered the Final Office mailed October 29, 2008. Please find below Applicant's arguments and remarks which are believed to be fully responsive to the rejections raised by the Examiner in the Detailed Action.
2. In the Final Office action, claims 19, 20, and 33 are rejected under 35 U.S.C. 102(b) as being anticipated by Hinestroza (U.S. Pat. No. 6,224,018). Claims 21 – 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hinestroza in view of Haynes (U.S. Pat. No. 4,828,207). Claims 28 – 32 and 34 – 36 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
3. **Interview Summary and Response to Claim Rejections** – Applicant notes that a telephonic Interview was conducted between Examiner Nihir Patel and Applicants' representative Mark A. Wilson (Reg. No. 43,994) on December 19, 2008, beginning at 12:00 noon EST. No other people were present and no exhibits were shown. The issue discussed related to the rejection of claim 1 in view of Hinestroza. Applicant argued that the capsule of Hinestroza does not include an "air-tight seal" between the capsule (40) and the door portion (42) as recited in Applicant's claim 1. Applicant pointed out that Hinestroza does not mention an "air-tight seal," in particular, in column 4, lines 27 – 38. Further, Applicant pointed out that Hinestroza discloses that the capsule of Hinestroza ideally includes an oxygen mask for use by the user of the capsule, see column 5, lines 16 – 18. Applicant argued that the existence of the oxygen mask within the capsule of Hinestroza is evidence that the capsule of Hinestroza does not include an "air-tight seal." Examiner Patel agreed that the existence of the oxygen mask within the capsule of Hinestroza was evidence that the capsule of Hinestroza does not include an "air-tight seal." Examiner Patel and Applicant agreed that Applicant would file a response to the Final Office action and an Interview Summary, summarizing the substance of the Interview.
4. In view of the above, Applicant respectfully asserts that claim 1 is not anticipated by Hinestroza. Additionally, Applicant asserts that dependent claims 20 – 36 are allowable at least based on an allowable claim 1.
5. It is respectfully submitted that the above remarks and new claims address all of the Examiner's rejections. In light hereof, Applicant courteously solicits reconsideration and allowance of the application.

CONCLUSION

Applicant respectfully requests reconsideration of the claims in view of the amendments and remarks made herein. A notice of allowance is earnestly solicited.

At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account **50-3444** pursuant to 37 C.F.R. 1.25. Additionally, please charge any fees to Deposit Account **50-3444** under 37 C.F.R. 1.16, 1.17, 1.19, 1.20 and 1.21.

Respectfully submitted,

/mark a. wilson/

Date: December 22, 2008

Mark A. Wilson

Reg. No. 43,994

Wilson & Ham

PMB: 348

2530 Berryessa Road

San Jose, CA 95132

Phone: (925) 249-1300

Fax: (925) 249-0111